



Legislation Details (With Text)

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On agenda: 5/3/2022 **Final action:** 5/3/2022
Title: ADOPTION OF A RESOLUTION INITIATING AN AMENDMENT TO THE FUTURE LAND USE MAP FOR CERTAIN PROPERTIES LOCATED IN THE PORT SALERNO CRA TO ALLOW FOR CONSTRUCTION OF THE MANATEE POCKET SW PRONG STA

Sponsors:

Indexes:

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Date	Ver.	Action By	Action	Result
5/3/2022	1	Board of County Commissioners	approved	Pass

PLACEMENT: Departmental

TITLE:

ADOPTION OF A RESOLUTION INITIATING AN AMENDMENT TO THE FUTURE LAND USE MAP FOR CERTAIN PROPERTIES LOCATED IN THE PORT SALERNO CRA TO ALLOW FOR CONSTRUCTION OF THE MANATEE POCKET SW PRONG STA

EXECUTIVE SUMMARY:

This summary of the Manatee Pocket SW Prong STA Project (Project), located in the Port Salerno CRA, describes the transactions necessary to allow for successful completion of the Project. The Project will occur in phases, and prior to the County’s commencement of construction activities, the following must occur: (i) the Grien family (Landowner) will convey certain lots to the County to be used for the Project, (ii) County will initiate amendments to the Future Land Use Map and Zoning Atlas for certain properties owned by Landowner, and (iii) the County will abandon certain unopened rights-of-way for the benefit of Landowner.

DEPARTMENT: Administration

PREPARED BY: **Name:** Susan Kores
Title: Manager, Office of Community Development

REQUESTED BY: Ecosystems Restoration and Management Division, Public Works Department

PRESET:

PROCEDURES: None

BACKGROUND/RELATED STRATEGIC GOAL:

Summary of the Project

Staff with the Ecosystem Restoration and Management Division of the Public Works Department has worked to plan and develop the Project, which aims to reduce harmful nutrients in the SW Prong. The SW Prong is the last tributary of the Manatee Pocket to receive necessary water treatment and is critical to the overall health of the waterway. The Project will consist of a treatment train involving two wet detention ponds (approximately 0.5 and 1.1 acres), two diversion weir structures, enhanced vegetated channels, and a Summit High-Performance Upflow Filter System with bioactive media prior to discharge. It is projected to remove approximately 334 pounds of TN (total nitrogen) and 234 pounds of TP (total phosphorous) per year from the downstream Manatee Pocket and the Indian River Lagoon, which are currently designated impaired by FDEP. This Project is in the Ecosystems Division CIP and is fully funded.

Transactions with Landowner

To realize this important water quality project, County Staff has negotiated with Landowner to obtain six (6) of Landowner's vacant lots located in the Port Salerno CRA totaling approximately 1.88 acres (Lots). The Landowner has agreed to convey the Lots to the County at no cost, in consideration for the County's (i) abandonment of four (4) unopened rights-of-way in the vicinity of the Project, totaling approximately 0.99 acres (ROWs) and (ii) initiation of amendments to the Future Land Use Map and Zoning Atlas for the abandoned ROWs and the northern portion of three (3) parcels owned by Landowner along Cove Road, totaling approximately 1.97 acres (Retained Parcels). The proposed Future Land Use Designation and Zoning Classification for the Retained Parcels and the ROWs will change from CRA Neighborhood to CRA Center and from Detached to Corridor, respectively. In addition, Landowner has agreed to grant County a temporary construction and permanent access easement (Easement) over a portion of the ROWs necessary to construct and maintain the Project.

The properties that are the subject of this agenda item are depicted on the attached Exhibit A. The Lots to be conveyed to the County are outlined in yellow. The Retained Parcels are outlined in green, and the ROWs to be abandoned are shaded in purple. The legal descriptions and land areas of the properties subject to this agenda item are shown on Exhibit B.

Summary of Next Steps

If authorized today, additional future agenda items will come before the Martin County Board of County Commissioners (BOCC), including proposed (i) adoption of resolutions abandoning the ROWs, accepting the Easement and accepting the deed for the Lots, (ii) adoption of an amendment to the Future Land Use Map for the Retained Parcels and the abandoned ROWs and (iii) adoption of an amendment to the Zoning Atlas for the Retained Parcels and the abandoned ROWs. The proposed changes in the Future Land Use Map and Zoning Atlas will be subject to a full staff analysis and must meet all policies and regulations governing such map amendments. The proposed amendments will be the subject of public hearings before the Local Planning Agency and the Board of County Commissioners at a future date.

Additionally, the BOCC will be presented with an escrow agreement, which will address the timing requirements of the several steps described herein (Escrow Agreement). The Escrow Agreement will be prepared by County Staff and will set forth the process for recording the deed conveying the Lots, the Easement and the resolution abandoning the ROWs. In short, once executed, these three

documents will be held in escrow until all public meetings have occurred and all appeals periods related to the proposed changes in the Future Land Use Map and Zoning Atlas have expired. Upon expiration of the applicable appeals periods, all documents will be released from escrow, and the transaction with Landowner will be complete.

Conclusion

In summary, this project aims to provide important nutrient reduction in the Manatee Pocket SW Prong, enhance the natural environment and provides the public with open space and access to the area’s natural features. The Lots to be conveyed to the County are key to achieving better drainage, reduced flooding and increased water quality in the Port Salerno CRA, as required by the Community Redevelopment Plan’s Public Services Goal of “providing basic public infrastructure for stormwater, potable water, and sanitary systems for existing and future development.” Since much of the existing development in Port Salerno was built before basic stormwater standards were established, retrofit projects represent important improvements to water quality and protection of the Manatee Pocket.

ISSUES:

None

LEGAL SUFFICIENCY REVIEW:

This item has been reviewed for legal sufficiency to determine whether it is consistent with applicable law, has identified and addressed legal risks, and has development strategies for legal defensibility.

RECOMMENDED ACTION:

RECOMMENDATION

Move that the Board adopt a resolution initiating an amendment to the Future Land Use Map for the properties described herein and authorize staff to proceed with the additional steps outlined above to realize the successful construction of the Manatee Pocket SW Prong STA project.

ALTERNATIVE RECOMMENDATIONS

1. Move that the Board provide direction to staff.
2. Move that the Board take no action.

FISCAL IMPACT:

RECOMMENDATION

Growth Management, CRA and Ecosystem Restoration and Management staff time.

ALTERNATIVE RECOMMENDATIONS

None

DOCUMENT(S) REQUIRING ACTION:

- Budget Transfer / Amendment Chair Letter Contract / Agreement

Grant / Application

Notice

Ordinance

Resolution

Other:

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